

51723-POG/LEM

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

CHRISTOPHER BERG,

Plaintiff,

v.

THOMAS CULHANE and THE VILLAGE
OF OAK LAWN,

Defendants.

09-C-5803

Judge Kendall

UNOPPOSED RULE 58(d) MOTION REQUESTING THE ENTRY OF JUDGMENT

Defendants, Thomas Culhane and the Village of Oak Lawn, request that the judgment entered pursuant to Rule 58(d), and state as follows:

1. This case was tried to jury verdict on August 30-31, 2010.
2. On August 31, 2010, the jury deliberated and returned a verdict in favor of the defense.
3. A minute order was entered on August 31, 2010, reading "MINUTE entry before Honorable Virgini M. Kendall: Jury trial held. Jury deliberations begin. Jury verdict entered in favor of defendant. Civil case terminated." Dkt. 54.
4. However, no judgment was entered as a separate document as required by Rule 58(a).
5. On September 30, 2010, Plaintiff timely filed a Notice of Appeal.
6. Although the parties are in agreement that Plaintiff has timely appealed from a final decision of the jury, some confusion lingers regarding appellate jurisdiction due to the lack of a judgment entered as a separate document.

7. Fed. R. Civ. P. 58(a) requires that the judgment be set out in a separate document.

8. Under Rule 58(d) a party may request that judgment be set out in a separate document if it has not been done as directed by Rule 58(b)(1) or (2).

9. On October 27, 2010, counsel for the defense conferred with Plaintiff's counsel, Scott Kamin, regarding this motion, and he indicated that he had no opposition to it.

10. Accordingly, in order to preserve appellate jurisdiction and to prevent future problems regarding appellate jurisdictions, the Defendants move to have the judgment be set out in a separate document, entering judgment in favor of the Defendants, Thomas Culhane and Village of Oak Lawn, pursuant to the jury's verdict.

CONCLUSION

For the foregoing reasons, the Defendants move, without opposition, that the judgment be set out in a separate document.

Respectfully Submitted,

/s/ Brandon K. Lemley
One of the Attorneys for Defendants

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PROOF OF SERVICE

The undersigned attorney certifies that on November 19, 2010, the foregoing document was served, pursuant to L.R. 5.9 and the General Order on Electronic Filing, via the Court's Electronic Case Filing System, to all parties of record.

/s/ Brandon K. Lemley

One of the Attorneys for Defendants

Village of Oak Lawn and Thomas Culhane